

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON TUESDAY, JULY 1, 2003.

Board Members Present:

John F. Coates, Chairman

Steven L. Walker, Vice-Chairman

William C. Chase, Jr. (left at 10:35 a.m.)

Sue D. Hansohn

Brad C. Rosenberger

Carolyn S. Smith

Staff Present:

Frank T. Bossio, County Administrator

J. David Maddox, County Attorney

Valerie H. Lamb, Finance Director

John C. Egertson, Planning Director

Paul Howard, Director of Environmental Services

Peggy S. Crane, Deputy Clerk

Board Member(s) Absent:

James C. Lee

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 10:00 a.m.

INVOCATION

Rev. John Janney, Pastor, Alliance Bible Church, presented the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mrs. Smith led the members of the Board and audience in the Pledge of Allegiance to the Flag.

RE: AGENDA - ADDITIONS AND/OR DELETIONS

Mr. Frank Bossio, County Administrator, asked that the following items be added:

Agenda Item 5-A, **RE: LOWE'S ESCROW FOR ROAD IMPROVEMENTS**. The Board will consider authorizing the Treasurer of the County to accept and hold in escrow \$450,000 in cash or cash equivalent from Lowe's Home Improvement, Inc., ("Lowe's"). This escrow has been requested by VDOT in conjunction with the road improvements on Route 15/29 *business* adjacent to the Lowe's development. The escrow shall be made pursuant to an agreement approved by the Treasurer, Lowe's, VDOT, and the County Attorney.

CLOSED SESSION, Under Virginia Code§ 2.2-3711 (A)(1) to consider: (B) Resignation from the Library Board.

Mr. Walker moved, seconded by Mrs. Hansohn, to amend the agenda accordingly.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Rosenberger, Smith, Walker

Absent – Lee

Motion carried 6 to 0.

RE: MINUTES

The minutes of the May 21, 2003 work session and June 3, 2003 regular meetings were presented to the Board for approval.

Mr. Walker moved, seconded by Mrs. Hansohn, to approve the minutes as presented.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Rosenberger, Smith, Walker

Absent – Lee

Motion carried 6 to 0.

CONSENT AGENDA

Mr. Bossio reviewed the following Consent Agenda items with the Board:

- a. The Board will consider approving a Resolution of Appreciation to Honor the Lenn Brothers for their Tremendous Generosity;
- b. The Board will consider approving a budget amendment for the Department of Social Services for additional monies received since the adoption of the FY 04 budget for the Head Start Grant in the amount of \$919,394 federal funds with additional allocation of funds in the amount of \$54,350 for start-up costs, for a grand total of \$973,744;
- c. The Board will consider approving an application and acceptance of a grant from the Division of Motor Vehicles in the amount of \$1,500 (no local match required);
- d. The Board will consider approving a budget amendment for the County CIP Fund for various revenue sharing projects. The funding allocation was changed to \$150,000 for Route 29 connector/interchange and \$50,000 for the Town loop project at the May 6, 2003 Board of Supervisors' meeting;
- e. The Board will consider approving a budget amendment to adjust the FY 04 budget to appropriately reflect VJCCCA funding versus Revenue Maximization funds in the amount of \$32,503 (no local funding involved);
- f. The Board will consider approving acceptance of a grant from the Virginia Tobacco Settlement Foundation and a budget amendment for the Sheriff's Office in the amount of \$55,828 (no local funding required)
- g. The Board will consider approving acceptance of a grant for the Sheriff's Office from

the Department of Criminal Justice Services for the continuation of grant funding for a School Resource Officer at the Binns Middle School in the amount of \$38,947 (Federal funding \$29,210, local match of \$9,737 from the Sheriff's budget); and

h. The Board will consider approving a request from the Sheriff's Office to submit a grant application to the Department of Criminal Justice Services for a TRIAD Grant in the amount of \$5,025 (local match of \$1,675 from the Sheriff's Operating Budget).

Mrs. Hansohn moved, seconded by Mr. Walker, to approve the Consent Agenda as presented.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Rosenberger, Smith, Walker

Absent – Lee

Motion carried 6 to 0.

SPECIAL PRESENTATION

Mr. Coates stated that a special presentation was to be made to the Lenn Brothers, but they could not be present and asked that Mr. Chase accept on their behalf.

Mr. Coates made the presentation to Mr. Chase and asked Mr. Bossio read the Resolution into the record:

Resolution of Appreciation to Honor the Lenn Brothers for Their Tremendous Generosity

WHEREAS, the County of Culpeper has been pleased and fortunate to have good citizens who participate in making the County better through their generosity; and

WHEREAS, Wayne Lenn, Edwin R. Lenn and Kaye Lenn have spent many years as advocates for aviation and its advancement in Culpeper County; and

WHEREAS, during this time, the Lenn Brothers have participated in fostering aviation related activities by opening up their field to ultralight traffic; and

WHEREAS, through their generosity they have made available and dedicated a certain parcel of their land to be used as a location for a navigation beacon without charge to the County; and

WHEREAS, because of the Lenn Brothers' generosity, pilots will be able to land at Culpeper Regional Airport in inclement weather; and

NOW, THEREFORE, BE IT RESOLVED, that the **CULPEPER COUNTY BOARD OF SUPERVISORS** hereby recognizes the contributions made by the Lenn Brothers to the citizens of Culpeper County and to all pilots who may be guided safely home by this navigation beacon, and by virtue of this resolution, we give notice to our citizens that we are honoring them for their generosity on their behalf.

Done, this 1st day of July, 2003.

By: William Chase, Jr., Stevensburg
James C. Lee, Cedar Mountain District
Sue D. Hansohn, Catalpa District
Brad C. Rosenberger, Jefferson District
Carolyn S. Smith, West Fairfax District
Steven L. Walker, East Fairfax District

John F. Coates, Chairman
Culpeper County Board of Supervisors
Salem District

Attest:

Frank T. Bossio, Clerk to the Board

Mr. Coates thanked Mr. Chase for accepting the Resolution and asked that the Boards' appreciation be conveyed to the Lenn Brothers. Mr. Chase stated that the Lenn Brothers had asked him to thank the Board for the recognition extended to them.

Mr. Coates noted that Mr. Lee was absent in order to join his son in Georgia, who had just returned from Iraq.

GENERAL COUNTY BUSINESS

RE: UPDATE ON EXCESSIVE RAINFALL

Mr. Carl Stafford, Virginia Cooperative Extension Agent, informed the Board that although all citizens had been affected by the recent weather conditions, the farmers had been affected the most. He said that the recent excessive amount of rainfall had prevented the planting of crops and had affected the germination and yield potential of the crops that had been planted, especially the hay crop. He asked the Board to adopt a resolution to the Governor urging him to declare Culpeper County a disaster area.

At Mr. Coates' direction, Mr. Bossio read the Resolution into the record:

**CULPEPER COUNTY BOARD OF SUPERVISORS RESOLUTION
URGING THE GOVERNOR OF VIRGINIA TO DECLARE
CULPEPER COUNTY A DISASTER AREA
DUE TO RECENT HEAVY RAINFALL**

WHEREAS, the recent rainfall in Culpeper County, Virginia, has severely impacted farmers;
and

WHEREAS, during the growing season of this year, Culpeper County has received more than 250% of the normal precipitation for the period beginning May 1st; and

WHEREAS, on June 11, 2003, the United States Department of Agriculture, Culpeper-Rappahannock FSA County Office, issued a Flash Situation Report that stated the excessive amount of rainfall has prevented the planting of crops and negatively affected the germination and yield potential of the crops that were planted; and

WHEREAS, the report stated that the entire County hay crop has been significantly affected and the producers in the area cannot harvest their hay and the quality of the crop is declining each

day; and

WHEREAS, the USDA Flash Situation Report estimated that 13,800 acres of farmland would be impacted by the excessive rainfall with an estimated percent of yield losses of 40 percent for corn and 30 percent for soybeans;

WHEREAS, in order for the County's farmers to receive disaster assistance, the Governor of Virginia must declare Culpeper County a disaster area;

THEREFORE, IT IS HEREBY RESOLVED, THIS 1ST DAY OF JULY 2003, that the Culpeper County Board of Supervisors urges the Governor of Virginia to declare Culpeper County a disaster area; and

BE IT FURTHER RESOLVED, that upon the adoption of this resolution, the Board of Supervisors of Culpeper County directs that this resolution be transmitted to the Honorable Mark R. Warner, Governor of Virginia.

By: William C. Chase, Jr., Stevensburg District
Sue D. Hansohn, Catalpa District
James C. Lee, Cedar Mountain District
Brad C. Rosenberger, Jefferson District
Carolyn S. Smith, West Fairfax District
Steven L. Walker, East Fairfax District

John F. Coates, Chairman
Culpeper County Board of Supervisors

Attest:

Frank T. Bossio, Clerk to the Board

Mr. Rosenberger moved, seconded by Mrs. Smith, to approve the Resolution and that it be forwarded to the Governor.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Rosenberger, Smith, Walker

Absent – Lee

Motion carried 6 to 0.

RE: DISCUSSION OF BUDGET ANALYST POSITION

Mr. Bossio reminded Board of the recent budget process, and its review of the School budget in particular. He stated that a discussion had taken place during the School Board/County Interaction Committee meeting on June 26th regarding unification of standards for a school budget process that would meet the County's process. He pointed out that all County departments, including the Department of Social Services (DSS) and the Sheriff's Office, used the same tool to develop their budgets. He said he had discussions with the School System regarding (1) a schedule for when the budget would be delivered according to the County's finance plan; (2) an agreed upon unified format, and (3) what would be needed to achieve these. He stated that the schedule and format had been

discussed and preliminary time frames had been agreed upon, but the third piece involved two things. First, Chip Coleman, Director of DSS, was interested in how much revenue maximization would be available in the School System for activities that would qualify for Federal revenue maximization. He said that he and Mr. Coleman decided that a way to help the schools would be to add a budget analyst position, which would be funded by revenue maximization dollars. The incumbent would spend approximately six months of the year identifying programs that would qualify for revenue maximization dollars, and the other six months coordinating and developing the School budget to conform with the County's process and meet agreed upon time frames. He noted that the position would initially require local dollars, but would come back to the County in the form of revenue maximization. He stated that the School Board had approved the establishment of a budget analyst position at its June 26th meeting and asked for the Board's concurrence to move forward.

Mr. Walker stated that one of the things discussed in the School/County Interaction Committee was the benefit of having someone in this position who would be able to speak School budget language and County budget language and serve as an interpreter between the two Boards. He felt that it would also result in better communications between the School Board and the Board of Supervisors.

Mrs. Hansohn inquired whether the software had been developed to format the budget. Mr. Bossio stated that the software was developed two years ago on the County side, and the School's Instruction budget had been used as a model. He said that some modification changes would need to be made, but it was the standard software given to each of the County department heads, including DSS.

Mrs. Hansohn asked what date had the Schools agreed upon to deliver the budget to the County. Mr. Bossio replied that School officials agreed to have their budget to the County by February 28th.

Mr. Rosenberger noted that the budget analyst position would put the County in a position that the auditors had been recommending for many years in an effort to intermesh the School System's finances with the County's through the main frame for totally open access. Mr. Bossio agreed.

Mr. Rosenberger expressed his concern regarding someone being an arbitrator between this Board and the School Board. He felt that there had been disagreements on budget items, but a lot of that resulted from lack of communication.

Mr. Bossio stated he did not intend to characterize the position as an intermediary or arbitrator in terms of bringing the two Boards together, but to provide assistance to an overburdened School Board staff. He stated that with the schedule and format in place, County staff wanted to make sure that it was not imposing a requirement upon the School Board they could not meet because of insufficient and/or overburdened personnel. He pointed out that during budget season, the budget analyst would focus on the budget, and the remainder of the time, he or she would be in the School System working with DSS to identify Rev Max dollars to come back to the County.

Mr. Chase stated that he agreed with Mr. Rosenberger and asked how many personnel were in the School's financial department. Mr. Bossio informed him that there were four staff people, and they were responsible for the large payroll of the School System, as well as other financial matters.

Mr. Coleman stated that the Rev Max dollars would be significant. He said that he had been working with the Community Services Board since they had experienced cutbacks and layoffs and noted that the first Rev Max position had been placed there and the receipt of approximately \$500,000 Federal funding was projected. He estimated that there would be \$20+ million in local dollars available to the School System, but there was insufficient staff to generate the information needed to obtain the funding. He said that Rich Weddington, former State Director of Revenue Maximization, had recently been hired to work with DSS and his priorities would be to go into the School System, the CSB and appropriate County departments to identify local dollars that would draw down Federal dollars.

Mr. Rosenberger inquired whether revenue maximization was mostly grant funds. Mr. Coleman explained that most of Rev Max funding was uncapped Federal dollars for at-risk youth. He said Rev Max was not "grants", but a continuation of funding. He explained that local dollars which different agencies in the community had been using to provide services to at-risk youth, such as special ed, Medicaid, etc., could be identified to draw down Federal dollars. He noted that the Day Care program had drawn down approximately \$800,000 this year.

Mr. Coleman stated his goal was to work with the School System, as well as other County departments, to identify funding sources. He said he would be looking at the Commonwealth's Attorney's Office, the Sheriff's Office, and every other department possible that dealt with at-risk youth, in order to draw down Federal dollars to replace State

and local dollars.

Mrs. Hansohn inquired how much Rev Max funding had been provided to the School System over the last year. Mr. Coleman estimated that DSS had provided the Schools with approximately a quarter of a million dollars and had placed several Family Support Workers in the schools to work with at-risk youth.

Mr. Chase moved, seconded by Mrs. Hansohn, to approve the budget analyst position for the School System and to reexamine the position in one year.

Mr. Rosenberger stated that he would support the motion with Mr. Chase's caveat.

Mr. Coates inquired where the position would be housed and who would manage it. Mr. Coleman stated his recommendation would be that a panel consisting of Lisa Peacock, DSS Deputy Director; Valerie Lamb, County Finance Director; and Jeff Shomo, the School's Finance Director, be formed to recruit/hire for the position. He said the position would be housed at the School Board office, with day-to-day supervision provided by Dr. Cox or Mr. Shomo.

Mr. Bossio pointed out that the contractual agreement between the School Board and this Board would stipulate that six months of the year would be focused solely on developing the budget.

Mr. Coates called for voice vote.

Ayes – Chase, Coates, Hansohn, Rosenberger, Smith, Walker

Absent – Lee

Motion carried 6 to 0.

Mr. Chase left the meeting.

RE: LOWE'S ESCROW FOR ROAD IMPROVEMENT

Mr. John Egertson, Planning Director, informed the Board that the property upon which Lowe's would be located carried a proffer with full frontage road improvements on Route 15/29 Business, which was planned to be four-laned by VDOT. He said that VDOT and Lowe's had agreed that the funding for Lowe's portion of the project would be placed in escrow and passed to VDOT when the project was implemented. He noted that VDOT had indicated that they could not escrow the money since it was a County proffer. He asked for the Board's permission to formulate the proper escrow agreement.

Mr. David Maddox, County Attorney, indicated that proposed language to authorize this action had been prepared for the convenience of the Board member making the motion.

Mr. Coates felt it was an excellent move to allow VDOT to build the road to its

ultimate and to build the entranceway to the facility.

Mr. Walker moved to authorize the Treasurer of Culpeper County to accept and hold in escrow \$450,000 in cash or cash equivalent from Lowe's Home Improvement, Inc., ("Lowe's"). This escrow has been requested by VDOT in conjunction with the road improvements on Route 15/29 adjacent to the Lowe's development. The escrow shall be made pursuant to an agreement approved by the Treasurer, Lowe's, VDOT, and the County Attorney. Mrs. Hanson seconded.

Mr. Coates asked if Mr. Walker would agree to add "Business" after "Route 15/29" for clarification. Mr. Walker agreed to the amendment, and Mrs. Hansohn concurred.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Rosenberger, Smith, Walker

Absent – Chase, Lee

Motion carried 5 to 0.

Mr. Coates recessed the meeting at 10:40 a.m.

Mr. Coates called the meeting back to order at 10:55 a.m.

NEW BUSINESS

COMMITTEE REPORTS

BUILDINGS & GROUNDS COMMITTEE/June 10, 2003/8:30 A.M.

Mr. Coates announced that Mrs. Hansohn would report in Mr. Lee's absence.

Mrs. Hansohn stated that the Buildings & Grounds Committee met and referred an action item regarding a contract for janitorial services to the Board for consideration.

Mrs. Hansohn moved, seconded by Mr. Walker, to accept the Buildings & Grounds Committee's recommendation to award the contract for janitorial services to Service Master.

Mr. Howard stated that staff had issued a Request for Proposal for cleaning services, and Service Master was the low bidder. He explained that the County had been experiencing problems in retaining County employees and proposed to contract for cleaning of all County buildings in the evenings. He pointed out that there were five vacant positions at the present time that were being filled by temps. Mr. Howard proposed that the five positions be eliminated and the funding for those positions be used to pay for the contract. He estimated that savings to the County would be approximately \$46,000.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Rosenberger, Smith, Walker

Absent – Chase, Lee

Motion carried 5 to 0.

See attachment #1 for details of meeting.

RULES COMMITTEE/JUNE 10, 2003/9:30 A.M.

Mr. Walker reported that the Rules Committee met and recommended that several action items be referred to the full Board.

Mr. Walker moved, seconded by Mrs. Hansohn, to amend the Personnel Management Plan, Section XII, Inclement Weather Policy.

Mr. Bossio explained that the policy had not been changed, but the language had been clarified and simplified.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Rosenberger, Smith, Walker

Absent – Chase, Lee

Motion carried 5 to 0.

Mr. Walker moved, seconded by Mrs. Hansohn, to approve the agreement between the Animal Control Department and Humane Society for the Spayed/Neutered Program.

Mr. Walker explained that the Board had asked the County Attorney to draft an agreement that would authorize the proceeds from the sale of Animal Friendly license plates to be given to the Humane Society to help defray costs for the Spayed/Neutered Program.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Rosenberger, Smith, Walker

Absent – Chase, Lee

Motion carried 5 to 0.

Mr. Walker moved, seconded by Mrs. Smith, to advertise that the bad check fee be increased from \$20 to \$25, effective July 1, 2003, as requested by the County Treasurer.

Mr. Maddox stated that the proposed change needed to be advertised since it involved an ordinance change.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Rosenberger, Smith, Walker

Absent – Chase, Lee

Motion carried 5 to 0.

Mr. Walker moved, seconded by Mrs. Smith, to approve a Fee Waiver Policy as proposed by the Finance Director.

Mr. Walker explained that the Finance Director recommended that a journal entry be made to give the Departments credit for any fees waived, therefore, establishing a County tracking policy to track the various fees waived.

Mr. Maddox pointed out that the action before the Board was for approval to establish an accountability process and the actual policy would be developed later for the Board's approval.

Mr. Bossio explained that the Board was often asked to waive fees, such as for building permits, and the Finance Director was proposing that a journal entry be made to give credit to the department waiving the fee. He asked for the Board's approval.

Mrs. Smith pointed out that the motion was for a policy and not a procedure.

Mr. Walker amended the motion to state Fee Waiver 'Procedure' instead of "Policy". Mrs. Smith agreed to the change.

Mrs. Smith felt that establishing a procedure was an administrative action and did not require Board approval. Mr. Bossio stated that a journal entry was an accountability issue and he would like to have the Board's approval.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Rosenberger, Smith, Walker

Absent – Chase, Lee

Motion carried 5 to 0.

See attachment #2 for details of meeting.

PUBLIC WORKS COMMITTEE/JUNE 10, 2003/11:30 A.M.

Mrs. Hansohn reported that the Public Works Committee met and was forwarding two recommendations.

Mrs. Hansohn stated that Mr. Howard met with DEQ in April to review the environmental work done at the landfill, and DEQ requested that three additional wells be installed and that a Corrective Action Plan be completed. She said that an RFP had been issued and one bid was received from Joyce Engineering to complete the delineation, risk assessment and a Corrective Action Plan at a cost of \$37,052.

Mrs. Hansohn moved, seconded by Mrs. Smith, to move forward to comply with the DEQ request to drill three additional wells at the landfill and complete a Corrective Action Plan.

Mr. Howard was present to answer questions. There were none.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Rosenberger, Smith, Walker

Absent – Chase, Lee

Motion carried 5 to 0.

Mrs. Hansohn stated that the Committee discussed a gas migration problem at the western side of the landfill. A temporary gas extraction system had been installed until a permanent system could be designed. She stated that an RFP had been issued for a consultant to design and install a permanent system, and a bid from SCS Engineers had been received at a cost of \$77,750.

Mrs. Hansohn moved, seconded by Mrs. Smith, to award the contract to SCS Engineers to design and build a landfill gas re mediation system at a cost of \$77,750.

Mrs. Smith asked whether other bids were submitted in response to the RFP. Mr. Howard stated that the RFP had been sent to three vendors, but only the bid from SCS Engineers had been received.

Mr. Walker asked about the source of funding. Mr. Howard stated that the funds would come out of the landfill remediation fund that is set each year.

Mrs. Smith called the question.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Rosenberger, Smith, Walker

Absent – Chase, Lee

Motion carried 5 to 0.

See attachment #3 for details of meeting.

TOWN/COUNTY INTERACTION COMMITTEE/JUNE 25, 2003/11:30 A.M.

In Mr. Chase's absence, Mr. Bossio reported that the Town/County Interaction Committee met, but had no action items to refer. He said the Committee discussed the development of an Emergency Operations Plan, for which \$11,387 State funding (no local match) had been received. He said the Committee also discussed the possible consolidation of the Town/County Parks & Recreation Committees.

See attachment #4 for details of meeting.

ECONOMIC DEVELOPMENT REPORT

Mr. Carl Sachs, Economic Development Director, reported that:

1. He participated at the Bio 2003 Tech Conference in Washington, along with the University of Virginia and the Thomas Jefferson Partnership and felt it was a great opportunity to interface and network with the bio tech companies. He stated that UVA was

becoming one of the leaders in bio technology, research and development.

2. The Commonwealth of Virginia was going to establish five additional enterprise zones next year. He said there were approximately 50 zones in Virginia at the present time, and Culpeper did not have an enterprise zone. He stated he would be attending two seminars in July to determine whether an enterprise zone would be of value to Culpeper and would report back to the Board in August.

3. As a result of the direct mailing campaign to software designers and computer software companies, two hits had been received and one was very promising. He said approximately 800 letters were mailed at a cost of \$300, which was significantly less than the \$1000- \$2000 it would cost to place ads in trade journals.

AIRPORT ADVISORY COMMITTEE

Mr. Bossio reported that the Airport Advisory Committee met on June 11th and were forwarding two action items to the Board for consideration.

1. The Civil Air Patrol has been gaining prominence in the Homeland Security arena and was investigating having an airplane at the airport full time. The Airport Advisory Committee recommended moving the CAP to the top of the hangar waiting list and to waive the hangar fee at \$205 per month.

Mr. Walker moved, seconded by Mrs. Smith, to move the CAP to the top of the hangar waiting list and that the CAP be allowed to use a hangar free of charge when one became available.

Mr. Coates noted that the plane would only be used approximately three months a year. Mr. Bossio stated that was true at the present time, but use would increase significantly once hangar space became available. He added that when the hangar was not in use, it would be used for other things in order to defray some of the costs.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Rosenberger, Smith, Walker

Absent – Chase, Lee

Motion carried 5 to 0.

Mr. Bossio stated that the Airport Advisory Committee wanted to make the Board aware that the significant rainfall had affected construction schedules. He said that the Committee had decided to postpone Air Fest until next year because of limited runway.

2. Mr. Bossio stated that the Committee's recommendation to honor the Lenn Brothers had been acted upon by the Board earlier in the meeting.

Mr. Coates asked whether the contractor at the airport received credit for bad weather. Mr. Bossio stated that he did.

Mr. Earl Long acknowledged the tremendous contribution made by the Lenn Brothers, but wanted the Board to be aware that Mr. Bob Yeaman had spent a great deal of time on Airport projects at his own expense. He suggested that recognition be given to Mr. Yeaman for the work he has done.

PUBLIC WORKS COMMITTEE (continued)

Mr. Coates apologized for omitting one of the recommendations of the Public Works Committee. The Board returned to the Public Works Committee report:

Mr. Egertson stated a Comprehensive Plan amendment to the Public Services Facilities chapter had been discussed at the Public Works Committee. He recalled that Wiley & Wilson Engineers prepared a County reservoir study in 2001, in which potential reservoir sites were identified for future water supply. He stated that one of the sites specifically had been pinpointed as being the most logical for future use, and the Public Works Committee had directed it be incorporated into the Comprehensive Plan in order to protect it from being overdeveloped. He reported that staff had drafted a revision to Chapter VI, Public Services Facilities, which updated the existing sections and added a new section on future surface water impoundments. He said the reservoir study had been incorporated by reference, as well as a specific map of the one reservoir site that was felt to be the most feasible location, and it contained language that would emphasize protecting that surface water impoundment area. He said that the Public Works Committee asked that it be referred to the Planning Commission for normal Comprehensive Plan amendment review.

Mrs. Hansohn moved, seconded by Mrs. Smith, to refer the proposed revision to Chapter VI of the Comprehensive Plan to the Planning Commission for their consideration.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Rosenberger, Smith, Walker

Absent – Chase, Lee

Motion carried 5 to 0.

ADMINISTRATOR'S REPORT

Mr. Bossio reported that the VACo Region 7 proposed 2003 Legislative Program was basically the same as last year. He said that the Legislative Committee would prepare a similar agenda and bring it back to the Board for review before forwarding to VACo. He

noted that the Board members would have an opportunity to introduce legislation other than that proposed by VACo Region 7.

CLOSED SESSION:

Mr. Walker moved to enter into closed session, as permitted under the following *Virginia Code* Sections, and for the following reasons:

1. Under *Virginia Code* §2.2-3711(A)(1), to consider: (A) prospective candidate for appointment to the Agricultural Resource Advisory Committee; and (B) consideration of resignation from the Library Board;
2. Under *Virginia Code* §2.2-3711(A)(1), to consider the performance and employment relationship with the County of two specific County employees.
3. Under *Virginia Code* §2.2-3711(A)(1), to discuss the performance of a specific County department which will necessarily involve the discussion of the performance of specific individuals.
4. Under *Virginia Code* §2.2-3711(A)(1) and (A)(7), to consult with the County Attorney regarding probable litigation concerning a specific ordinance.
5. Under *Virginia Code* §2.2-3711(A)(1) and (A)(7), to consult with the County Attorney regarding probable litigation concerning enforcement of the County Zoning Ordinance against a specific County landowner and potential options for resolution.

Seconded by Mrs. Hansohn.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Rosenberger, Smith, Walker

Absent – Chase, Lee

Motion carried 5 to 0.

The Board entered into closed session at 11:22 a.m.

The Board returned to open session at 12:45 p.m.

Mr. Coates polled the members of the Board regarding the closed session held. He asked the individual Board members to certify that to the best of their knowledge, did they certify that (1) only public business matters lawfully exempted from the open meeting requirements under the Virginia Freedom of Information Act, and (2) only such public business matters as were identified in the closed session motion by which the closed meeting was convened, were heard, discussed or considered by the Board in the closed session.

Mr. Coates asked that the record show that Mr. Chase and Mr. Lee were not present

for closed session.

Ayes - Walker, Coates, Smith, Rosenberger, Hansohn

Absent – Chase, Lee

Motion carried with 5 ayes.

RE: APPOINTMENT TO AGRICULTURAL RESOURCE ADVISORY COMMITTEE

Mr. Walker moved, seconded by Mrs. Smith, to appoint Richard Larson to serve on the Agricultural Resource Advisory Committee.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Rosenberger, Smith, Lee

Absent – Chase, Lee,

Motion carried 5 to 0.

RE: RESIGNATION FROM LIBRARY BOARD

Mr. Walker moved, seconded by Mrs. Hansohn, to accept with regrets Patricia Lamond's resignation from the Library Board.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Rosenberger, Smith, Lee

Absent – Chase, Lee,

Motion carried 5 to 0.

RE: COUNTY ATTORNEY

Mr. Walker moved to accept the County Attorney's new employment contract with the County. Seconded by Mrs. Smith.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Rosenberger, Smith, Lee

Absent – Chase, Lee,

Motion carried 5 to 0.

RE: AMENDMENT TO ZONING ORDINANCE

Mr. Walker moved that with the consensus of the Board of Supervisors of Culpeper, Virginia, to accept the resolution before the Board to direct the Planning Commission to make recommendations with regard to the Amendment of the Zoning Ordinance to Upzone Parcel 50-35D from R-4 (Residential) to LI (Light Industrial). Seconded by Mrs. Hansohn.

Mr. Coates called for voice vote.

Ayes – Coates, Hansohn, Rosenberger, Smith, Lee

Absent – Chase, Lee,

Motion carried 5 to 0.

ADJOURNMENT

Mrs. Smith moved to adjourn at 12:50 p.m. Seconded by Mrs. Hansohn.

Ayes – Coates, Hansohn, Rosenberger, Smith, Lee

Absent – Chase, Lee,

Motion carried 5 to 0.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio, Clerk to the Board

APPROVED: August 5, 2003

AT A REGULAR MEETING OF THE CULPEPER COUNTY BOARD OF
SUPERVISORS HELD IN THE BOARD ROOM, LOCATED AT 302 N. MAIN STREET, ON
TUESDAY, JULY 1, 2003

Board Members Present: *John F. Coates, Chairman*
Steven L. Walker, Vice-Chairman
William C. Chase, Jr.
Sue D. Hansohn
Brad C. Rosenberger
Carolyn S. Smith

Staff Present: Frank T. Bossio, County Administrator
J. David Maddox, County Attorney
John C. Egertson, Planning Director
Sam McLearen, Zoning Administrator
Peggy S. Crane, Deputy Clerk

Board Member Absent: James C. Lee

CALL TO ORDER

Mr. Coates, Chairman, called the meeting to order at 7:00 pm.

CITIZEN FORUM

Mr. Coates opened the Citizen Forum and called for comments on any item that was not on the agenda.

There were none and Mr. Coates closed the Citizen Forum.

RE: AGENDA ADDITIONS AND/OR DELETIONS

Mrs. Smith moved, seconded by Mr. Walker, to approve the agenda as published.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Rosenberger, Smith, Walker

Motion carried 6 to 0.

PUBLIC HEARING

RE: THE BOARD WILL RECEIVE PUBLIC COMMENTS AND CONSIDER AMENDING THE TAX RELIEF FOR THE ELDERLY AND HANDICAPPED

Mr. David Maddox, County Attorney, informed the Board that the proposed amendment to the existing codified ordinance would increase the exemption for the elderly and disabled to \$100,000 for net combined financial worth, and the net combined financial worth would also exclude furniture, household appliances, and other items typically used in a house.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mrs. Hansohn moved, seconded by Mrs. Smith, to approve the ordinance amending the increase in real estate tax exemption for the elderly and disabled persons.

Mrs. Smith stated she was in favor of the exclusion for the elderly and disabled, but urged diligence in how the citizens' tax dollars were being spent.

Mr. Maddox informed the Board that the County received a letter from Mr. and Mrs. Robert P. Dow supporting the ordinance, but asking that a definition of the term "elderly" be incorporated in the amendment. He stated that would not be necessary because the existing codified Code 1232 defined "elderly" as "not less than age 65".

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Rosenberger, Smith, Walker

Absent - Lee

Motion carried 6 to 0.

NEW PLANNING COMMISSION BUSINESS

ADDITION TO THE STEVENSBURG AGRICULTURAL AND FORESTAL DISTRICT.

Request by Stanley Hawkins to add 264.51 acres to the Stevensburg Agricultural and Forestal District. The property is located off Route 647 in the Stevensburg Magisterial District. Tax Map/Parcel Nos. 65/22, 22B.

Mr. Sam McLearen, Zoning Administrator, informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission concurred with the Agricultural and Forestal Districts Advisory Committee that this property, based on its agricultural value, was an appropriate addition to the District. He said the Planning Commission was recommending to the Board of Supervisors that this addition to the Stevensburg Agricultural and Forestal District be approved and the ordinance modifying the District be adopted.

Mr. John Egertson, Planning Director, displayed a tax map that highlighted the property being considered for addition to the District and stated that it would be a valuable addition to the District. It was recommended for approval and ready for the Board's consideration. He pointed out that the ordinance before the Board was identical as one previously submitted with one exception: The name "Earl S. Hawkins" had been replaced with "Belle Meade Farm LLC", the correct ownership listing for the property.

Mr. Chase stated that Mr. Hawkins was unable to be present and asked him to represent him.

Mr. Coates opened the public hearing and called for public comments.

There were none and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mr. Rosenberger, to approve the request for the addition to the Stevensburg Agricultural and Forestal District and to adopt the ordinance modifying the District.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Rosenberger, Smith, Walker

Absent - Lee

Motion carried 6 to 0.

CASE NO. U-2009-03-1. Request by Jimmie T. Southard for approval of a use permit for a package treatment plant for a single-family dwelling. The property is located on Route 658 in the Stevensburg Magisterial District and contains 43.46 acres. Tax Map/Parcel No. 51/52B.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the application to be consistent with Article 17 of the Zoning Ordinance and Chapter 14 of the County Code. He said the Planning Commission was recommending to the Board of Supervisors that the use permit be approved for a period of five (5) years.

Mr. Egertson displayed a tax map that highlighted the property being considered. He pointed out that the property was a 40-plus parcel that had been verified by the Health Department to have no traditional drainfield site. He said the proposed system would be a typical discharging system and would discharge into Potato Run, which bisected the property. He said it was ready for the Board's consideration.

Mr. Jim Southard, applicant, stated that Culpeper Engineering had confirmed that the site was suitable for the proposed system.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mr. Chase moved, seconded by Mrs. Smith, to adopt the resolution to approve the use permit for a period of five (5) years.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Rosenberger, Smith, Walker

Absent - Lee

Motion carried 6 to 0.

CASE NO. U-2010-03-1. Request by Preston L. and Barbara A. Foltz and Elizabeth E. Lemmer for approval of a use permit for the construction of a tenant unit. The property is located on Route 802 in the Jefferson Magisterial District and contains 10 acres. Tax Map/Parcel No. 8/9.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found the application to be consistent with Article 17 of the Zoning Ordinance. He said the Planning Commission was recommending to the Board of Supervisors that the use permit be approved based on the following condition: (1) This tenant unit shall be limited to occupancy by an immediate family member, or for use as a guesthouse. Use of the unit as a rental home is prohibited.

Mr. Egertson displayed a tax map that highlighted the location of the property. He said this proposal would allow the construction of a secondary unit or two total dwelling units on a recently created 10-acre parcel within an area recently divided into 10-acre lots.

He noted that the parcel was part of recent subdivision and would not be eligible for further division for a period of five years. He said that without State road frontage, the lot would only qualify for a family division. He stated that the Planning Commission raised concerns because the request seemed to circumvent the ordinance by creating a second dwelling on the lot, with the applicant's intent to do a family division in five years when it became eligible for division. He indicated that the Commission recommended approval, but imposed a condition restricting use solely to family members or as a guesthouse. He stated it was ready for the Board's consideration.

Mrs. Smith stated that she understood the applicants were the contract owners and, at this point, did not own the property. Mr. Egertson said that was his understanding.

Mrs. Smith inquired whether the applicants were related to the individuals who currently owned the property. Mr. Egertson stated that he did not believe so.

Mrs. Lemmer, one of the applicants, stated that they had gone to settlement and now owned the property. She said that her parents and 92-year-old grandmother would be residing in one home, and she and her children would live in the other one so that she could assist in the care of her grandmother and eventually her parents.

Mr. Coates opened the public hearing and called for public comments.

There were none, and Mr. Coates closed the public hearing.

Mrs. Hansohn inquired whether the lot had been created from an administrative cut earlier and that was the reason for the time frame of no more divisions until 2008. Mr. Egertson stated that was correct.

Mr. Rosenberger stated that he had originally believed this request would be circumventing a possible rezoning. He considered a tenant unit as housing for a farm laborer, but the ordinance had been revised to allow for care-giving and care-taking, which he understood this case to be. He expressed his concern that these ten-acre lots were being subdivided before the road had even been completed. He stated that the Board should watch this very closely and recalled that the Board had denied a rezoning request for this same development within the last six months.

Mr. Rosenberger moved, seconded by Mr. Chase, to accept the Planning Commission's recommendation with reservations.

Mrs. Hansohn stated she would not support the motion because the applicants knew before they closed on the lot that it was not supposed to be subdivided again for another five years, and they had adequate time to look for other property. She said she understood

what they were trying to do, but there were enough lots in Culpeper available for building without circumventing the County's ordinance.

Mr. Rosenberger stated that Mrs. Hansohn made a very good point.

Mr. Walker asked why there was not a time frame for the use permit. Mr. Egertson stated that the Planning Commission had not imposed a time limit, but the Board could do so if it wished.

Mr. Coates stated that he agreed with Mrs. Hansohn and felt this was an unusual request because normally there was already a dwelling on the property when someone applied for a second unit. Mr. Egertson stated that generally was correct, but in this case, the parcel was vacant. The owners were requesting permission up front to construct two dwellings, the second of which required a use permit. He said the applicants had stated their intent to wait out the five-year time period and create a family division containing one of the homes at that point.

Mrs. Smith stated that she was sympathetic to the applicants, but the County had a policy and it should be followed. She said that she agreed with Mrs. Hansohn and could not support the motion since there were many other available lots upon which to build.

Mr. Chase stated he would support the request because it was within the letter of the law.

Mr. Coates called for voice vote and then a show of hands.

Ayes - Chase, Rosenberger, Walker

Nays - Coates, Hansohn, Smith

Absent - Lee

The motion failed due to a tie.

Mrs. Hansohn moved, seconded by Mrs. Smith, to deny the application for a use permit.

Mr. Rosenberger stated he would support the motion in order to bring it to conclusion.

Mr. Coates called for voice vote.

Ayes - Coates, Hansohn, Rosenberger, Smith

Nays - Chase, Walker

Absent - Lee

Motion to deny carried 4 to 2.

CASE NO. U-2011-03-1. Request by Lisa McPherson for approval of a use permit for the

construction of a tenant unit. The property is located on Route 646 in the Salem Magisterial District and contains 4.7736 acres. Tax Map/Parcel No. 18B(1)/6A.

Mr. McLearen informed the Board that the Planning Commission had considered the case and a public hearing was held. The Planning Commission found this application to be consistent with Article 17 of the Zoning Ordinance. He said the Planning Commission was recommending to the Board of Supervisors that the use permit be approved based upon the following conditions: (1) The tenant unit shall be a maximum of 1,300 square feet of livable floor space; and (2) the tenant unit must be occupied by immediate family members, persons now receiving care from occupants of the primary dwelling, or it may be utilized as a guesthouse. Use of the tenant unit as a rental unit is prohibited.

Mr. Egertson displayed a tax map that highlighted the location of the property. He said the proposed use permit was for a secondary unit on property with an existing dwelling. He stated that the McPhersons had written objecting to the condition that limited the use of the tenant unit to occupancy by family members, use as a guesthouse, or occupancy by persons now receiving care from the applicant. He said the applicant would like to leave open the possibility of caring for others in the future, but the Planning Commission did not wish to allow for an on-going, care-giving facility. He said the Planning Commission also raised concerns regarding the size of the dwelling, but the McPhersons had ultimately included a plan for a 1200 square foot unit that was clearly subordinate to the existing dwelling. He said the request was ready for the Board's consideration.

Mrs. Hansohn inquired if the parcel had originally been a 10-acre lot. Mr. Egertson stated that at one time it had been an approximate ten-acre lot, and the 4.77 acre portion had been created by a family division several years ago. Mrs. Hansohn asked if it was done by the same family as the applicant. Mr. Egertson replied that he did not know.

Ms. Lisa McPherson, applicant, stated that the owner of the ten-acre lot was the same family as the applicant.

Mr. Coates opened the public hearing and called for public comments.

Mr. Jim McWilliams, Salem District, informed the Board that he was concerned the tenant unit would be used for a care-giving facility, which would be a business. He stated a number of his neighbors had expressed the same concern.

Mr. Buddy Futrell, Route 646, Salem District, expressed his concern regarding increased traffic on Route 646, which was still a dirt road. He added that he wanted to keep the 10-acre lots in the area intact.

Mr. Steve Hardy, Salem District, pointed out that the property next door to the

McPhersons was for sale. He said his primary concern was for the residents on Route 646 who did not wish to see a subdivision being created. He questioned how the imposed condition would be enforced.

With no further comments, Mr. Coates closed the public hearing.

Mr. Coates asked whether this lot has been cut from another lot. Mr. Egertson stated that he believed it had been divided in 1996.

Mr. Coates inquired whether the lot was located on the gravel portion of Route 646 north of the portion that had not been improved. Mr. Egertson stated that was correct. Mr. Coates pointed out that this particular section of road was not on the schedule for any work.

Mrs. Hansohn stated she was concerned because the parcel was in an Agricultural area and appeared to be a business. She stated that if the Board allowed this to happen, it would open the door for others who wanted to do the same thing. She said she could not support the request after hearing the neighbors' comments.

Mrs. Hansohn moved, seconded by Mr. Walker, to deny the application for a use permit.

Mr. Coates stated he could not support the request after hearing the comments and learning that this lot had been cut from another lot resulting in only a four-acre lot.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Rosenberger, Smith, Walker

Absent - Lee

Motion to deny carried 6 to 0.

ADJOURNMENT

Mrs. Smith moved, seconded by Mrs. Hansohn, to adjourn at 7:32 p.m.

Mr. Coates called for voice vote.

Ayes - Chase, Coates, Hansohn, Rosenberger, Smith, Walker

Absent - Lee

Motion carried 6 to 0.

Peggy S. Crane, CMC
Deputy Clerk

John F. Coates, Chairman

ATTEST:

Frank T. Bossio, Clerk to the Board

APPROVED: August 5, 2003